

Exhibit B

UNITED STATES DISTRICT COURT
for the
Southern District of New York

REED GALIN)
)
Plaintiff,) Civil Action No.
) 15-cv-6992 (JMF)
v.)
)
KUNITAKE HAMADA)
)
Defendant.)
_____)

DEPOSITION OF DAVID S. RAMUS
LOS ANGELES, CALIFORNIA
TUESDAY, NOVEMBER 1, 2016

Reported by:
SYLVIA POLLICK
CSR No. 1826

1 A I would say --

2 MR. COSSU: Form objection.

3 THE WITNESS: At some point in time I was
4 quite successful as an art dealer. Reed wanted to
5 make some money. I had a painting. I suggested
6 that he could be my partner in it. We partnered
7 on that painting. And, from there, that was his
8 investment. So it wasn't a number of paintings. It
9 was in that painting.

10 BY MR. AVANZADO:

11 Q Was this the --

12 A That's my recollection. But you're talking
13 25 years ago, 30 years ago.

14 Q I understand. So would you say that he
15 became your partner in this -- well, let me ask it
16 this way.

17 How many paintings did he become your
18 partner in?

19 A I never considered him a partner --

20 MR. COSSU: Form objection.

21 THE WITNESS: -- in anything.

22 BY MR. AVANZADO:

23 Q So what did you consider him? I think you
24 used the word "partner" in your last answer.

25 MR. COSSU: Form objection.

1 THE WITNESS: I'm not sure how to carry
2 on this conversation. He put some money into a
3 painting. We sold it -- I sold it. Made more
4 money. Reed said, "Roll my profit into another
5 painting." So I kept him invested in a painting or
6 two here or there across many years.

7 BY MR. AVANZADO:

8 Q Okay.

9 A What started -- and, again, this is my
10 recollection -- it started out relatively small,
11 certainly smaller than would warrant chasing it for
12 20 years, which is where we seem to be today, and I
13 tried to grow it for him.

14 Q Did you approach him or did he approach
15 you?

16 A Oh, God, I don't know.

17 MR. COSSU: Objection to form.

18 BY MR. AVANZADO:

19 Q Did you -- I think you said the first one
20 was relatively small; is that right?

21 A To the best of my recollection, the first
22 one was the only one he ever wrote a check for.

23 Q Okay. Do you remember how much that was?

24 A I don't. It wasn't a terribly --

25 MR. COSSU: Form objection.

1 BY MR. AVANZADO:

2 Q I'm sorry. You didn't finish. "It wasn't
3 a terrible" --

4 A It wasn't a terribly big piece of work.

5 Q I might show you a document or two later.

6 A Okay.

7 Q But, in any event, when he gave you money
8 for this first painting did he do it as your friend?

9 A He never gave me money --

10 MR. COSSU: Form objection. Beyond the
11 scope.

12 THE WITNESS: -- as a friend for a
13 painting. He made an investment, if you will, which
14 he knew was risky at the time, and we tried to make
15 some money together.

16 So I never considered it that Reed gave me
17 money, if we're going to be technical about this,
18 which apparently we are.

19 BY MR. AVANZADO:

20 Q All right. Let me back up a little bit.
21 It's not really where I'm going.

22 You operated at some point an art gallery;
23 is that right?

24 A Yes. I was an art dealer.

25 MR. COSSU: Form objection. Beyond the

1 scope.

2 BY MR. AVANZADO:

3 Q What was the name of your art galley or art
4 dealer business?

5 A I think the --

6 MR. COSSU: Form objection.

7 THE WITNESS: It was David S. Ramus, Ltd.,
8 doing business as David Ramus Fine Art.

9 BY MR. AVANZADO:

10 Q And did you have other investors besides
11 Mr. Galin?

12 A Yes.

13 MR. COSSU: Form objection. Beyond the
14 scope.

15 BY MR. AVANZADO:

16 Q Were any of them as close a personal friend
17 as Mr. Galin?

18 A Yes.

19 MR. COSSU: Form objection. Beyond the
20 scope.

21 BY MR. AVANZADO:

22 Q How many of those kinds of people that
23 you --

24 A A couple. Three.

25 MR. COSSU: Form objection.

1 A I couldn't give you the dates on that.
2 Q Do you know where he is?
3 A He's in New York, I think.
4 Q Still alive and kicking?
5 A Still alive and kicking.
6 Q Now --
7 A The last I heard. It's been awhile.
8 Q Okay. And Mr. Adelson was -- did he give
9 you any guidance or input when you first got started
10 in the art business?
11 MR. COSSU: Form objection.
12 THE WITNESS: No.
13 BY MR. AVANZADO:
14 Q Did he have anything to do at all with your
15 business?
16 A No.
17 MR. COSSU: Form objection.
18 BY MR. AVANZADO:
19 Q Would you consider him one of your mentors?
20 A No.
21 MR. COSSU: Form objection.
22 BY MR. AVANZADO:
23 Q Now, let's go back to your art gallery
24 business. Where was it located?
25 A I started out --

1 BY MR. AVANZADO:
2 Q Can you tell me about that gallery.
3 MR. COSSU: Form objection. Beyond the
4 scope.
5 THE WITNESS: It was a gallery in New York
6 that sold good things. That would be about all I
7 could tell you about it.
8 BY MR. AVANZADO:
9 Q Who did you deal with there?
10 A I don't remember.
11 Q Did you deal with Mr. Adelson there?
12 A I might have at some point, and I was --
13 MR. COSSU: Form objection.
14 THE WITNESS: There was a man named Fred
15 Woolworth there as well --
16 BY MR. AVANZADO:
17 Q And --
18 A But I don't recall who I might have dealt
19 with on those -- you know, because it would have
20 been a long time ago.
21 Q Okay.
22 A I knew them both.
23 Q How many paintings -- transactions relating
24 to paintings or art did you do with Coe Kerr?
25 A I have no idea.

1 MR. COSSU: Form objection. Beyond the
2 scope.
3 THE WITNESS: I started out in Atlanta,
4 Georgia, and eventually had a space in New York.
5 BY MR. AVANZADO:
6 Q And how long were you in that business?
7 MR. COSSU: Form objection. Beyond the
8 scope.
9 THE WITNESS: Oh, my God. I don't know
10 exactly. A while.
11 BY MR. AVANZADO:
12 Q Certainly more than ten years?
13 A Yes.
14 Q Are you still in that business?
15 A No.
16 MR. COSSU: Form objection. Beyond the
17 scope.
18 BY MR. AVANZADO:
19 Q Now, at some point you sold or negotiated a
20 transaction with Coe Kerr Gallery; is that right?
21 MR. COSSU: Form objection. Beyond the
22 scope.
23 THE WITNESS: I've done business with
24 Coe Kerr Gallery, I'm sure, over the years.
25 ///

1 MR. COSSU: Form objection.
2 BY MR. AVANZADO:
3 Q More than one?
4 A I have no idea. At least one. More, I
5 would think, but I'm guessing.
6 Q Well, I don't want you to guess, but can
7 you estimate it as more than, say, five?
8 A I couldn't give you an estimate.
9 MR. COSSU: Form objection.
10 THE WITNESS: It's a long time ago. Over a
11 period of many years so -- I certainly wasn't close
12 to Coe Kerr.
13 BY MR. AVANZADO:
14 Q Meaning what?
15 A Meaning it wasn't somebody that I had
16 regular business with.
17 Q Okay. And which side of the deal were you
18 on with Coe Kerr, generally?
19 A I don't know.
20 Q A buyer --
21 MR. COSSU: Object to form. Beyond the
22 scope.
23 BY MR. AVANZADO:
24 Q A buyer or a seller, I mean.
25 A I don't know.

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1 Q Okay. No, I understand. This is a long
2 time ago. I'm just trying to test your memory.

3 Did you maintain any documents --

4 A No.

5 Q -- relating to that?

6 A There was an involuntary bankruptcy at
7 the end of my art career. And at the end of the
8 bankruptcy, by the time the forensic accountants and
9 everyone had looked at everything, there were boxes
10 of documents that were just incinerated. I didn't
11 take anything.

12 Q But all of those documents were available
13 in the bankruptcy proceeding?

14 A Everything that I had.

15 MR. COSSU: Object to form.

16 BY MR. AVANZADO:

17 Q In other words, if you had any records with
18 Coe Kerr, they were somehow a part or produced in
19 the bankruptcy proceeding?

20 A I don't know.

21 Q Okay. Let's talk about the provenance of
22 the "Ice Storm" painting, if you will. How did you
23 get that painting?

24 A I don't remember.

25 Q Do you remember --

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1 MR. COSSU: Object to form.

2 BY MR. AVANZADO:

3 Q Do you remember bidding on it on some term
4 sheet with Christie's auction in 1989?

5 MR. COSSU: Object to form.

6 THE WITNESS: I don't remember doing that,
7 but it's entirely possible. That's -- I mean, it's
8 one of very many -- many paintings that I've owned
9 over the course of the decades that I was in
10 business. So I don't remember the specifics of
11 buying that painting. I remember owning it, and I
12 remember the painting.

13 BY MR. AVANZADO:

14 Q Do you remember entering into transactions
15 where it wasn't a straight cash purchase for
16 paintings like "Ice Storm"?

17 MR. COSSU: Object to form. Beyond the
18 scope.

19 THE WITNESS: I don't know what "like 'Ice
20 Storm'" means. I did every kind of buy, sell, and
21 trade you could do in the business, but I don't know
22 what you mean by "like 'Ice Storm.'"

23 BY MR. AVANZADO:

24 Q That's a good point. Let me ask you what
25 kinds of transactions you and your business engaged

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1 in to acquire a painting.

2 A If you can imagine --

3 MR. COSSU: Object to form. This is
4 blatantly beyond the scope of what's provided for by
5 the Court. The Court's Order was very specific if
6 you read it and don't have it.

7 But move on to what the Court ordered.

8 We're not here to have people give testimony that
9 would call for an expert. We're here to do what the
10 Court ordered.

11 MR. ALTMAN: Excuse me. This gentleman is
12 my witness. He's a nonparty witness. You have no
13 right to interfere with this deposition. You can
14 bring up your objections at any time you choose but
15 let us proceed --

16 MR. COSSU: Then let's call the Court,
17 Richard. Richard, let's call the Court right now
18 and we'll get a ruling from them on this.

19 MR. ALTMAN: No, we're not calling the
20 Court.

21 MR. COSSU: We're not calling the Court?
22 Then stop this line of questioning. I can read
23 to you the Court's Order if you would like on
24 Discovery.

25 But, otherwise, let's excuse the witness --

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1 MR. CAHILL: Before you read the Court's
2 Order, does the local counsel -- do you see the
3 Court Order of June 15, 2016 that describes what the
4 Discovery is limited to?

5 MR. AVANZADO: I'm not sure that I have
6 but --

7 MR. CAHILL: Okay. So why don't we excuse
8 the witness so we can -- since you're a licensed
9 lawyer here -- you're doing a deposition in the
10 Southern District of New York in a case that's
11 subject to an Order of Judge Jesse M. Furman, dated
12 June 15, 2016 -- why don't we excuse Mr. Ramus for a
13 moment, and it's only one sentence. We can read it
14 in less than a minute. We believe you're violating
15 the Order.

16 MR. AVANZADO: I don't believe --

17 MR. CAHILL: It will just take less than a
18 minute so you have the information you need because
19 we can tell you right now that we think this is such
20 a violation of the Order that it violates Rule 26,
21 and we intend to seek relief for doing it.

22 So you should at least have the information
23 before you continue on with that. We're giving you
24 that opportunity. If you don't want to take it
25 and you want to continue, we'll continue making a

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1 record. We're offering you the opportunity to hear
2 directly -- we'll read it verbatim what the Court
3 has ordered Discovery is limited to.

4 **MR. AVANZADO:** You're free to send --
5 **MR. CAHILL:** That's John Cahill speaking,
6 by the way.

7 **MR. AVANZADO:** You're free to send whatever
8 you want to the court reporter's office since you
9 already did and sent documents here, and I will read
10 them at a break.

11 Right now I'm just taking background. This
12 is nothing but background of the witness and how he
13 got into the art business. So I don't know of
14 any --

15 **MR. COSSU:** Background --

16 **MR. AVANZADO:** Excuse me.

17 **MR. COSSU:** -- information --

18 **MR. AVANZADO:** Excuse me. I'm not
19 finished.

20 **MR. COSSU:** You're --

21 **MR. AVANZADO:** Excuse me. I'm not
22 finished.

23 **MR. COSSU:** You're defying a Court Order,
24 and we're going to hold you accountable for it.

25 The Court Order says:

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1 "As discussed on the record, the
2 initial conference discovery will be
3 limited to the circumstances surrounding
4 the transfer of the painting at issue
5 from" --

6 And then I'm not going to read the rest
7 because it would be information that we would be
8 putting in the witness's head that is related to
9 those circumstances.

10 You should have had -- you're taking a
11 deposition that's subject to that Order. You should
12 have read it before this deposition. The fact that
13 you haven't only concerns us because we think you're
14 acting in blatant violation of the Federal Rules in
15 a sanctionable way.

16 We're trying to give you an opportunity to
17 cure that. If you don't want to take it, ask your
18 questions. Background questions are forbidden. If
19 you continue doing it, we're going to hold you
20 accountable under the Federal Rules of Civil
21 Procedure. We're going to object to every question
22 you ask.

23 **MR. AVANZADO:** Go ahead.

24 **MR. COSSU:** I suggest you take that
25 seriously. We're giving you the opportunity. If

1 you don't want to, go ahead. You're refusing to
2 call the Court. We're going to stay on the line,
3 and we're going to object to every question.

4 And we will seek relief from the Court
5 because you're in direct violation of the Court's
6 Order. Reread the question. And it's costing our
7 client money, and that money is going to be recouped
8 and sought for by the Court from you and from all
9 corresponding parties for the plaintiff. That's all
10 we have to say.

11 Ask your questions subject to that, we'll
12 object, and we will take it up with the Court. So
13 you can say whatever you want, but now you have the
14 information.

15 **MR. AVANZADO:** Go ahead and --

16 **MR. COSSU:** You should have had it
17 beforehand. And the fact that you're taking the
18 deposition without reading the Order is a very
19 blatant violation. That's not the way we do things
20 in a case in the Southern District of New York.

21 **MR. AVANZADO:** Go ahead and send the
22 Order --

23 **MR. COSSU:** You go ahead. Ask your
24 question --

25 **MR. AVANZADO:** Go ahead --

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1 **MR. COSSU:** I'm not going to give you the
2 Court Order. You're asking for a client in a case
3 that's subject to a Court Order. You should have
4 read it before you asked your questions.

5 **MR. AVANZADO:** I'm going to hang up on you
6 in a second if you don't --

7 **MR. COSSU:** Proceed with that knowledge.
8 We're not going to waste any more of our client's
9 money educating you about the Court's Order.

10 **MR. AVANZADO:** If you --

11 **MR. COSSU:** Proceed --

12 **MR. AVANZADO:** You've interrupted me
13 numerous times. You're not here. You didn't come
14 here. I don't care what you think --

15 **MR. COSSU:** You --

16 **MR. AVANZADO:** -- what you think of what
17 I'm saying right now. I don't care what you think
18 of what I'm saying right now. You are not to
19 interrupt me again. All right? I'll tell you when
20 I'm finished. I don't know how you practice in the
21 Southern District. I've only had one case there.
22 But right now this is not how we practice in the
23 Central District of California; right? You state
24 your objections --

25 **MR. COSSU:** You violate Court Orders in

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1 the Central District of California? You take
2 depositions without reading the Judge's limitations
3 on Discovery? Is that how you do things in the
4 Central District? I don't think so. I've been in
5 that district. They follow the Federal Rules of
6 Procedure.

7 **MR. AVANZADO:** Wonderful.

8 **MR. COSSU:** I'm not going to interrupt
9 you --

10 **MR. AVANZADO:** Wonderful.

11 **MR. COSSU:** I'm just going to --

12 **MR. AVANZADO:** You're still interrupting --

13 **MR. COSSU:** We're going to weigh your
14 conduct with the Federal Judge here and in the
15 Central District of California, if that's
16 necessary --

17 **MR. AVANZADO:** You're still interrupting --

18 **MR. COSSU:** -- because what you're doing
19 violates the Court Order.

20 **MR. AVANZADO:** You're still interrupting --

21 **MR. COSSU:** You're not even aware of that.
22 It's shocking, sir. Shocking. That's it. We're
23 not going to say another word. Proceed with that
24 knowledge.

25 **MR. AVANZADO:** You're still interrupting

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1 me. I have been retained by the client yesterday to
2 do this, and so you can go ahead and do whatever
3 you want. I don't care. I'm acting within my
4 boundaries that I believe is proper.

5 You've sent documents to this office, to
6 this court reporter's office. Feel free to send it,
7 and they'll give it to me at a break. So I'm just
8 asking background questions right now. So here we
9 go.

10 Q Apologize, Mr. Ramus, for all of that.

11 And state your objections on the record.
12 That's fine.

13 So Mr. Ramus -- where was I?

14 (To the Court Reporter:) Can you scroll
15 up?

16 **THE REPORTER:** (Complying.)

17 **MR. ALTMAN:** Hello?

18 **THE REPORTER:** Yes, we're just getting the
19 last question. This is the court reporter.

20 **MR. ALTMAN:** All right.

21 (Record read as follows:

22 "Q Let me ask you what kinds of
23 transactions you and your business engaged
24 in to acquire a painting.")

25 ///

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1 **BY MR. AVANZADO:**

2 Q Mr. Ramus, you were interrupted by Counsel.
3 You were going to tell me what kind of transactions
4 you entered into in order to acquire paintings.

5 A There were no specific --

6 **MR. COSSU:** Form objection. Beyond the
7 scope.

8 **THE WITNESS:** There were no specific types
9 of transactions. We did any kind of transaction
10 that I could imagine doing.

11 **BY MR. AVANZADO:**

12 Q Does that also include the sale of
13 paintings?

14 **MR. COSSU:** Form objection. Beyond the
15 scope.

16 **THE WITNESS:** Yes.

17 **BY MR. AVANZADO:**

18 Q So you traded paintings?

19 A At times.

20 Q You paid --

21 **MR. COSSU:** Form objection. Beyond the
22 scope.

23 **BY MR. AVANZADO:**

24 Q You paid cash for paintings?

25 **MR. COSSU:** Form objection. Beyond the

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1 scope.

2 **THE WITNESS:** Never cash.

3 **BY MR. AVANZADO:**

4 Q Never cash?

5 A Like hundred dollar bills?

6 Q Or -- I'm sorry. You paid straight in
7 currency with check or cash for paintings?

8 A Yes.

9 Q And then --

10 **MR. COSSU:** Form objection. Beyond the
11 scope.

12 **BY MR. AVANZADO:**

13 Q And you did combinations of that?

14 A Yes.

15 **MR. COSSU:** Form objection. Beyond the
16 scope.

17 **BY MR. AVANZADO:**

18 Q Did you do that in terms of selling
19 paintings?

20 **MR. COSSU:** Form objection. Beyond the
21 scope.

22 **THE WITNESS:** I'm not sure I understand.

23 **BY MR. AVANZADO:**

24 Q Did you take paintings in trade and take
25 money for paintings that you sold?

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1 A I did.

2 MR. COSSU: Form objection. Beyond the
3 scope.

4 BY MR. AVANZADO:

5 Q And did you do that in combination as well?
6 A Not often.

7 MR. COSSU: Form objection. Beyond the
8 scope.

9 BY MR. AVANZADO:

10 Q Well, with respect to "Ice Storm," do you
11 remember what you did and what consideration you
12 took to acquire it?

13 A No.

14 MR. COSSU: Form objection.

15 THE WITNESS: Reed's friend, Dave Johnson,
16 called me yesterday and was asking me the same
17 things, and he seemed to indicate that there
18 was some question of Summary Judgment coming up,
19 and they wanted a very specific bit of information
20 regarding to the transaction concerning "Ice Storm."

21 And he told me that Reed had had a
22 terrible heart attack and that he didn't want to
23 be maudlin, but he wanted very much for me to try
24 and corroborate something, and then he fell short
25 of asking me what it was that he was asking me to

1 this case or a co-counsel or has some role in it as
2 a lawyer -- I'm not sure what his role is -- but he
3 indicated to me that the timing of this was towards
4 the end -- the collapse of the business, which ended
5 up in the bankruptcy and the subsequent criminal
6 trial.

7 And I explained to him that, you know,
8 either -- just because of all that was happening
9 back then I don't have -- I didn't -- if you
10 had asked me before I heard about this lawsuit
11 if I had sold an Andrew Wyeth painting to Coe Kerr
12 Galleries, I probably would have told you, "No."

13 The only reason I think I probably did is
14 because everyone is telling me that I did. I have
15 no picture in my head of this.

16 BY MR. AVANZADO: Let me mark as Ramus
17 [Exhibit 1](#) a document dated May 23, 1989, with
18 attachments from Christie, Manson & Woods
19 International Inc. to you, Mr. Ramus, and then I
20 believe that you countersigned the exhibit as well.
21 So Ramus [Exhibit 1](#).

22 (Whereupon, the document referred
23 to was marked Plaintiff's [Exhibit No. 1](#)
24 for identification by the Court Reporter,
25 and a copy is hereto attached.)

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1 corroborate.

2 And I explained to him, as I'll explain to
3 you, I don't remember. If you put my feet in a fire
4 I don't remember even making the transaction that he
5 suggested I made with Coe Kerr Galleries. At that
6 point in time I was newly recovered from a heroin
7 addiction. The world seemed to be falling in on me,
8 and I was dancing as fast as I could, and I don't
9 even remember doing a deal with Coe Kerr.

10 BY MR. AVANZADO:

11 Q When you say at the time you were
12 recovering from a heroin addiction, at the time of
13 what?

14 A At the time when my business collapsed.

15 MR. COSSU: Form objection. Beyond the
16 scope.

17 BY MR. AVANZADO:

18 Q So was that around the time that you had
19 this transaction involving "Ice Storm"?

20 A According to what Dave was telling me.

21 MR. COSSU: Form objection.

22 MR. ALTMAN: Could you repeat the answer to
23 that, please. I didn't hear it.

24 THE WITNESS: According to what Dave
25 Johnson, who I guess is either Reed's advisor in

1 MR. COSSU: We object to the introduction
2 of this exhibit.

3 BY MR. AVANZADO:

4 Q First, let's do some preliminaries.

5 On the second page of [Exhibit 1](#) appears
6 to have a signature over your name. Is that your
7 signature?

8 A I don't know.

9 Q You don't remember if that's how your
10 signature was in 1989?

11 A What you're showing me is a photocopy of a
12 document from 1989 that isn't in my possession.
13 I have no idea where it came from, and I would
14 hesitate to under oath, identify it.

15 Q Okay. That's fair. But you don't
16 recognize this document?

17 A I don't.

18 Q Do you recognize the signature under Davis
19 (sic) Ramus Fine Art?

20 A It looks like my signature, yes.

21 Q And you have no recollection of receiving
22 this or signing this document?

23 A I have no recollection of receiving or
24 signing this document.

25 Q Do you remember participating in the May

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1 Q At all?
2 A None. I'm, like, surprised -- when it came
3 up to me, it surprised me. If you had asked me a
4 year ago -- two years ago, "Whatever happened to
5 that painting "Ice Storm" that you owned?" I would
6 not have been able to tell you.

7 Q Okay.
8 A Part of that is my own faulty memory. Part
9 of that is probably blocking a very traumatic time
10 of my life. I don't even know what it all is about,
11 but I can honestly tell you I wouldn't have been
12 able to say, "Oh, I sold that to Coe Kerr." That
13 would never have come into my mind because Coe Kerr
14 was never a place that I did a lot of business with.
15 There were other galleries I did business with on a
16 monthly basis. Coe Kerr wasn't one of them.

17 Q Was Ron Hall one of them?

18 A No.

19 Q These various documents I have shown you,
20 some of them have pricing on a given painting.
21 Assuming that was something you created, how did you
22 come up with the pricing for a painting?

23 MR. COSSU: Object to form.

24 THE WITNESS: There was no formula.

25 Whatever I thought the painting was worth. Whatever

1 THE WITNESS: My intent was that this
2 slowdown, this freezing of the market could only be
3 temporary -- how could these paintings not be worth
4 a great deal of money? -- and if I could just keep,
5 like a juggler, enough balls in the air, as soon as
6 the market came back, I was such a genius with such
7 a great eye for art that I would certainly generate
8 tons of business and be able to pay everybody
9 everything.

10 So in my mind it was not a tactic to
11 enrich myself at the cost of others. It was
12 desperation. Keep it open. Keep the doors open.
13 Because if I go to people and tell them I can't pay
14 them, I'm out of business. And I had put, as you
15 said, well over a decade, two decades into trying to
16 build this thing out of nothing.

17 Q You used the term "juggling" just now.
18 What did you mean by that?

19 A I mean just keeping everything --

20 MR. COSSU: Object to form.

21 THE WITNESS: -- going. You know, it's a
22 metaphor, but I don't know how clear it is. You ask
23 why I would lie to people. A lie would be a ball up
24 in the air, I guess.

25 ///

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1 I thought the market would bear.

2 BY MR. AVANZADO:

3 Q I think I read somewhere that your business
4 started to decline as the art business started to
5 decline. Is that a fair statement?

6 MR. COSSU: Object to form.

7 THE WITNESS: It's not an accurate
8 statement. It's fair.

9 BY MR. AVANZADO:

10 Q What's not accurate about it?

11 A The business tanked overnight, as if
12 someone had taken a light switch and turned out the
13 lights. It just stopped in place. And that
14 happened around '90, '91, when the Japanese bubble
15 economy burst and all of a sudden nothing seemed to
16 be worth anything. Nobody wanted to buy anything.
17 It was incredibly difficult to sell, to get
18 paintings moving.

19 Q Didn't that start in '89?

20 A It might have been '89.

21 MR. COSSU: Object to form.

22 BY MR. AVANZADO:

23 Q Now, what motivated you to, as you put it,
24 lie to the people who owned the paintings you sell?

25 MR. COSSU: Object to form.

1 BY MR. AVANZADO:

2 Q Is that similar in concept to your taking-
3 from-Peter-paying-Paul --

4 A Yes.

5 Q -- analogy?

6 A Yes.

7 MR. AVANZADO: Okay. We've been going
8 for a little bit. Let's take a break, and then I
9 shouldn't be too much longer.

10 (Whereupon, a recess was taken from
11 2:29 p.m. to 2:35 p.m.)

12 MR. AVANZADO: All right. Let's go back on
13 the record.

14 Q Mr. Ramus, thank you for your patience. I
15 have just a couple of short subjects to go through.

16 When would you say your business started to
17 get worse because of the market? '89? '90?

18 A '89, '90, '91.

19 MR. COSSU: Object to form.

20 BY MR. AVANZADO:

21 Q And were your troubles known by people in
22 the art industry?

23 A I don't know.

24 MR. COSSU: Form objection.

25 ///

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1 Knowing me intimately? Or knowing who I was?

2 **BY MR. AVANZADO:**

3 Q Knowing you were an art dealer in Atlanta
4 that at one point at least had a gallery in
5 New York.

6 A **I would hope that New York art dealers knew
7 who I was, yes.**

8 Q Would you say that the people at Coe Kerr
9 knew who you were?

10 A **They knew who I was. What they knew about
11 me I couldn't begin to testify.**

12 Q Of course not. When you said, I think
13 earlier, that you were talking to people in New York
14 in terms of your business, I take it; right? Is
15 that correct?

16 A Yes.

17 MR. COSSU: Form objection.

18 **BY MR. AVANZADO:**

19 Q And so the universe of galleries that you
20 spoke to in New York I assume included Coe Kerr?

21 A **I feel I know you're --**

22 MR. COSSU: Form objection.

23 THE WITNESS: -- trying to ask me did
24 they know I was in financial distress. I feel like
25 that's the question you're leading up to, and I'd

1 Q At some point, you said earlier, that in
2 order to juggle your business and keep it afloat you
3 ended up lying to people, your clients?

4 A **That's correct. That became a --**

5 MR. COSSU: Form objection.

6 THE WITNESS: That became something that I
7 did.

8 **BY MR. AVANZADO:**

9 Q So in order to keep up a front to make sure
10 that you appeared strong, would that mean that when
11 dealing with other galleries you also misled them?

12 A **Yes. I would have misled --**

13 MR. COSSU: Form objection.

14 THE WITNESS: -- anybody who -- I would
15 have tried to make them feel I was certainly
16 competent and going to be around. But "misleading"
17 is a little bit stronger of the term that I would
18 use because the fact is I believed it.

19 **BY MR. AVANZADO:**

20 Q Well --

21 A **I believed that I was strong enough that I
22 would weather the storm and be there.**

23 Q You --

24 A **I didn't do any of this thinking that there
25 was an implosion about to happen and I would end up**

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1 wish you'd just ask it if that's the case.

2 **BY MR. AVANZADO:**

3 Q Okay. Did they know?

4 A **I would --**

5 MR. COSSU: Form objection.

6 THE WITNESS: I would have done my very
7 best for no one to know because who's going to do
8 business with you if they know you're in distress?

9 **BY MR. AVANZADO:**

10 Q And that includes misleading people; right?

11 MR. COSSU: Form objection.

12 THE WITNESS: I don't know if it would be
13 misleading as much as just trying to keep up a
14 strong front. Is that misleading if you believe it
15 to be true?

16 **BY MR. AVANZADO:**

17 Q Well, I mean --

18 A **Again, let's reflect back to what I told
19 you. It was my belief that the market condition
20 was short-term and would shortly end because it was
21 impossible for me to believe at that point that
22 these paintings wouldn't be worth everything to
23 everybody.**

24 So for me it was just a matter of keeping a
25 stiff upper lip and carrying on.

1 **in prison. All of this was predicated completely on
2 the belief that all of this would straighten itself
3 out and that everybody would get paid everything
4 they were owed.**

5 Q Would you say that if other galleries
6 knew the extent you had to juggle in order to keep
7 your business afloat that they would no longer do
8 business with you?

9 A **I don't know.**

10 MR. COSSU: Form objection.

11 THE WITNESS: I don't know how to answer
12 that. They might have wanted to do more business
13 with me and try and take advantage of it.

14 **BY MR. AVANZADO:**

15 Q Well, I guess what I'm trying to say is
16 what would motivate you to "keep up the front," as
17 you said, with other galleries?

18 A **The whole stiff upper lip and weather the
19 storm.**

20 MR. COSSU: Form objection.

21 THE WITNESS: That would be the motivation.

22 **BY MR. AVANZADO:**

23 Q And is it your testimony that it had
24 nothing to do with the fact that you still wanted
25 to do business in that world and so they needed to

1 A So then later that night --
2 Q You didn't take his call.
3 A Well, he left me a long message, which was,
4 like, a message from a stranger. And it just seemed
5 to me that "these guys are desperate for me to say
6 something tomorrow. All of a sudden I'm important."
7 Q So -- but let me just remind you of your
8 prior testimony. You said you didn't take his call;
9 right?
10 A I have a message from him. He left me
11 a long voice mail. I did not accept the call
12 because Dave said he didn't want to talk to me.
13 And I thought, "Okay. If we shouldn't talk before
14 the deposition, I won't talk to him before the
15 deposition."
16 Q Now, just breaking down some things, do you
17 know Dave Johnson?
18 A I've met him many years ago probably a
19 couple of times, more than once.
20 Q Many years ago as in?
21 A With Reed when we were still friendly.
22 Q In the '80s and '90s?
23 A He came to my gallery he told me yesterday.
24 I don't recall it. Specifically, he told me that I
25 gave him a primer on what paintings mean and art,

1 Galin?
2 A It may have just been a friend advising
3 him.
4 Q Well, I'm trying to be precise.
5 A I can't be more precise than that. That
6 Dave Johnson, as an attorney, who never said to me,
7 "Reed is my client" -- I wasn't a lawyer; he wasn't
8 in a court of law with me -- he said, "I'm looking
9 for a way to get Reed paid."
10 Q And you remember this now?
11 A No. I remembered it then. I told him
12 then.
13 Q No. You remember these conversations in
14 the bankruptcy context now?
15 A I remember talking to Dave Johnson about
16 the insurance companies, yes.
17 Q Okay. And that was 20-plus years ago?
18 A Yes.
19 Q But you can't remember whether these
20 documents I've showed you were yours?
21 A I do not. And I said to you that they
22 looked like mine, but I was not going to identify a
23 27-year-old photocopy, and I stand by that answer.
24 Q All right. So Dave Johnson, when he called
25 you, when you talked to him yesterday --

1 and he remembered all of that.
2 What I mostly remember is that during the
3 course of the bankruptcy and the subsequent criminal
4 trial Dave was constantly looking for a way to get
5 Reed paid. They wanted to go after the insurance
6 companies. They wanted to go after the other
7 creditors.

8 There was constantly some sort of, you
9 know, maneuvering or looking for an angle that they
10 were doing, and I just said to them, you know, "I
11 want Reed to be paid. Whatever you guys work out,
12 I'll answer as honestly as I can."

13 And that was 20-some years ago, and here we
14 are doing it again today.

15 Q How do you know that he was trying to get
16 Reed paid?

17 A He said so. They made clear that they were
18 looking for an angle to get Reed some money.

19 Q When did they say so?

20 A Oh, they said so -- they went after
21 insurance companies 20-some years ago.

22 Q So you're talking about a time 20 years
23 ago --

24 A During the bankruptcy.

25 Q -- that Dave Johnson represented Reed

1 A Yes.
2 Q -- how did he identify himself?
3 A "Hey, this is a blast from the past. This
4 is Dave Johnson. You probably remember me. I'm
5 Reed's friend."
6 Q Did he say he was Reed's lawyer?
7 A No. He said specifically that in this case
8 he's not Reed's lawyer.
9 Q All right.
10 A He said that he had hired you for Reed.
11 Q Did he identify me?
12 A Yes.
13 Q Seriously?
14 A He said you were a solid lawyer and that
15 you would make sure that you didn't come in holding
16 a stick to beat me with.
17 Q What time did he call you yesterday?
18 A If you want to know precisely I can look on
19 my telephone.
20 Q That's okay. Would it surprise you I
21 wasn't hired until last night? Did you talk to him
22 before last night?
23 A If you want, I can tell you the exact
24 times -- but he definitely told me that you were
25 going to be the lawyer here in L.A., that you were a

1 A No.

2 Q And, again, I think it was lost in what you
3 said. Congratulations on being sober.

4 But did you tell anyone that you weren't
5 sober during that period? In other words --

6 MR. COSSU: Form objection.

7 BY MR. AVANZADO:

8 Q -- did people -- did anyone know you
9 weren't sober in the '80s?

10 A I would be goddamn shocked --

11 MR. COSSU: Form objection.

12 THE WITNESS: -- if people didn't know I
13 was partying pretty hard. The extent of it, I don't
14 know who knew what. You try and hide that sort of
15 thing.

16 BY MR. AVANZADO:

17 Q And when you partied, did you party with
18 people in the art world?

19 A Sometimes.

20 MR. COSSU: Form objection.

21 BY MR. AVANZADO:

22 Q Did any of those include the people from
23 Coe Kerr?

24 A No, I wouldn't think so. Not to my
25 recollection.

1 private?

2 A Certainly.

3 MR. COSSU: Form objection.

4 BY MR. AVANZADO:

5 Q Did you have any contact at all with
6 members of Kunitake Hamada's team?

7 A No.

8 Q Do you even know who that is?

9 A I think it's the name on the subpoena as
10 the plaintiff in this suit or the defendant.

11 Q He's a, I'm told -- he's an art dealer in
12 Japan. Did you ever cross that space to Japan?

13 A I did --

14 MR. COSSU: Form objection.

15 THE WITNESS: -- but I don't know if I ever
16 met Hamada.

17 BY MR. AVANZADO:

18 Q But certainly relating to this lawsuit no
19 one talked to you from that --

20 A No contact whatsoever.

21 Q And other than the Johnson conversation
22 or conversations that you have testified to and
23 Mr. Galin's message to you, has anybody talked to
24 you about this case at all?

25 A Mr. Altman has called me a couple of times,

1 Q So what do you mean when sometimes you
2 partied with people in the art world? Are there
3 other dealers? Other gallery owners?

4 A Antiques dealers -- it's a world -- a
5 whole world up there. I'm sure I knew other
6 dealers. There was plenty.

7 But by "partying," I mean being out on the
8 town, probably drinking to excess, being foolish.

9 Q What's that club in New York that was
10 famous in the '80s?

11 MR. COSSU: Form objection.

12 BY MR. AVANZADO:

13 Q Did you go there and party there?

14 A I don't know what club you're talking
15 about.

16 Q God, it's been so long.

17 A Is this relevant to the proceeding?

18 Q No. I'm just saying was your partying --

19 MR. COSSU: Form objection.

20 BY MR. AVANZADO:

21 Q -- public?

22 A Yes.

23 Q You were out in public?

24 A Yes.

25 Q Your addiction, however, you tried to keep

1 but I didn't take his call because I didn't know who
2 he was. And I had no intention of speaking to
3 lawyers unless Reed had asked me to speak to them.

4 Q So you --

5 A I called Dave Johnson -- I returned his
6 call because I knew him and he referenced that Reed
7 had asked him to call me.

8 Q Okay. Did Mr. Altman leave you any
9 messages?

10 A Yes.

11 Q What were the substance, generally, of
12 those messages?

13 A "I'm representing Reed Galin in a lawsuit,
14 and I would like to talk to you. Please call
15 me back," that sort of thing. That may not be
16 verbatim.

17 Q Just a preliminary introduction to see if
18 he could talk to you?

19 A Yes.

20 Q Did anything in his messages suggest that
21 he wanted you to lie for Mr. Galin?

22 A Nobody has ever asked me to lie. Let me be
23 clear on that.

24 Q Or suggest that you should lie for him?

25 A Nobody has suggested lie. I have been